

**Table A Chart – Guam Part B**  
**Issues Identified in the State Performance Plan**

SPP Indicator	Issue	Required Action
<p><b>Indicator 2:</b>                      Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.                      (20 U.S.C. 1416 (a)(3)(A))</p>	<p>While the State included some activities related to data, with timelines and resources, it was unclear to OSEP that the State would be able to either measure whether and when the activities were completed, the impact of those activities on performance, or determine whether the activities would be sufficient to enable the State to meet its targets.                      For example, Guam’s activities are directed toward improvement in the ability to collect data for this indicator but do not include activities to improve performance of students with individualized education programs (IEPs) dropping out of high school.</p>	<p>The State should review its activities to determine if additional activities are needed, or if the activities need to be revised or modified, to have the desired effect.</p>
<p><b>Indicator 3:</b>                      Participation and performance of children with disabilities on statewide assessments:                      A. Percent of districts meeting the State’s AYP objectives for progress for disability subgroup.                      B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.                      C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p>	<p>While the State included some activities related to data, with timelines and resources, it was unclear to OSEP that the State would be able to either measure whether and when the activities were completed, the impact of those activities on performance, or determine whether the activities would be sufficient to enable the State to meet its targets.                      For example, Guam included only one activity directed toward increasing performance of children with disabilities on statewide assessments. That activity involved making revisions to the alternate assessment to meet the requirements for measurement against grade level and alternate achievement standards if necessary. Guam’s other improvement activities</p>	<p>The State should review its activities to determine if additional activities are needed, or if the activities need to be revised or modified, to have the desired effect.</p>

SPP Indicator	Issue	Required Action
<p>(20 U.S.C. 1416 (a)(3)(A))</p>	<p>focused on data collection or improvement of assessment implementation or analysis of assessment results. OSEP could not identify activities directed toward improving participation and performance of children with disabilities on statewide assessments.</p>	
<p><b>Indicator 4:</b> Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))</p>	<p>The State did not provide baseline data in the SPP in response to this indicator. On page 14 of the SPP, Guam reported that since it is a unitary school system, the comparison between children with and without disabilities would be the method for determining if “significant discrepancies” are occurring in the rate of long-term suspensions and expulsions of children with disabilities. Guam reported that inconsistencies in collecting, compiling and reporting suspension and expulsion rates as a system makes comparison difficult. Therefore, comparison data could not be provided for the reporting period. In addition, Guam did not provide its definition of “significant discrepancy.”</p> <p>While the State included some activities related to data, with timelines and resources, it was unclear to OSEP that the State would be able to either measure whether and when the activities were completed, the impact of those activities on performance, or determine whether the activities would be sufficient to enable the State to meet its targets. For example, Guam’s activities reflect improvement in the ability to collect data for this indicator but do not include activities to improve the performance of students related to suspension and expulsion.</p>	<p>Guam must include in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Guam must also include its definition of “significant discrepancy.” Failure to include these data and the required information will affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p> <p>The State should review its activities to determine if additional activities are needed, or if the activities need to be revised or modified, to have the desired effect.</p>

SPP Indicator	Issue	Required Action
<p><b>Indicator 15:</b> General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. (20 U.S.C. 1416 (a)(3)(B))</p>	<p><b>Noncompliance:</b> On page 38 of the SPP, Guam reported a 33% level of compliance for indicator 15C, the percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) that was corrected within one year of identification, specifically the requirements at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3).</p>	<p>The State must ensure that noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 16:</b> Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. (20 U.S.C. 1416(a)(3)(B))</p>	<p><b>Noncompliance:</b> On page 42 of the SPP and in Attachment 1, Guam reported a 66% level of compliance for indicator 16, specifically the requirement at 34 CFR §300.661(a) and (b). Guam stated that it issued reports within timelines for 66% of signed written complaints (4 of 6). Guam stated that the two remaining complaints had no findings because there was a determination that the public agency did not violate a requirement of Part B of IDEA. Under 34 CFR §300.661(a)(4), Guam must issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the SEA's final decision. The fact that Guam concluded that the public agency did not violate a requirement of Part B of IDEA does not relieve the State of its responsibility to issue a written decision within required timelines.</p>	<p>The State must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>